UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

MAIL DATE	DELIVERY MODE
02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 December 2007*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7,9-17,19-28 and 30-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7,9-17,19-28,30-32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-7,9-17,19-28,30-32 are pending.

Claims 8, 18, 29 are cancelled.

Making Final

Applicant's arguments filed 12/17/2007 have been fully considered but they are

not persuasive.

The claim amendments regarding -- 'in response to the request, activating a first

servlet class instance of the servlet to parse the request in order to identify the portion

of the media file requested by the client and to identify a format of the media file;

instantiating, using the first servlet class instance, a second servlet class, which inherits

an interface from an abstract parser class and is specified to handle the identified

format of the media file;' -- alter the scope of the claims but do not overcome the

disclosure by the prior art as shown below.

The Examiner is introducing new grounds for rejection as necessitated by the

claim amendments and thus making this action FINAL.

Priority

The effective date of the subject matter in the claims in this application is January 4, 2002.

For purposes of examination, as per DECLARATION UNDER 37 CFR 1.131 filed 07/12/2006 the priority date assigned to the subject matter in the claims is July 25, 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 11-17, 22-28, 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US Patent 6421733) in view of Mason (US Patent 7089330) further in view of what was well-known in the networking art.

Tso disclosed (re. Claim 1,11,22)   receiving a request from a client to a server via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a

certain portion of a media file of a given type; (Tso-Column 3 Lines 10-15) passing the

request to a servlet running in conjunction with the server; (Tso-Column 3 Lines 10-15)

parsing the request using the servlet to select, responsively to the request, elements of

the media file (Tso-Column 12 Lines 60-65) to be transferred to the client   and

streaming the identified elements from the server to the client as a HTTP

response.(Tso-Column 3 Lines 10-15)

While Tso substantially disclosed the invention, including dynamically loaded

transcoding service modules using open software architecture (Tso-Column 4 Lines 20-

30) Tso did not disclose (re. Claim 1,11,22)   wherein the servlet is a platform-

independent class that is compiled to platform-neutral bytecode and is loaded

dynamically into and run by the server;

Mason disclosed   (re. Claim 1,11,22)   wherein the servlet is a platform-

independent class that is compiled to platform-neutral bytecode and is loaded

dynamically into and run by the server; (Mason-Column 8 Lines 45-55)

Tso and Mason are analogous art because they present concepts and practices

regarding transformation of web content. At the time of the invention it would have been

obvious to combine Mason into Tso. The motivation for said combination would have

been to enable web pages to incorporate custom tags and benefit from advantages of

said custom tags. (Mason - Column 2 Lines 50-60).

The Examiner notes that Tso Column 7 Lines 30-45 disclosed identifying a format of the media file.

Thus, the combination of Tso-Mason disclosed (re. Claim 1,11,22) a *servlet class* (Mason-Column 8 Lines 45-55) *to parse the request* (Tso-Column 6 Lines 35-45) *in order to identify the portion of the media file requested by the client and to identify a format of the media file;* (Tso Column 7 Lines 30-45)

Tso-Mason disclosed (re. Claim 1,11,22) *instantiating, using the first servlet class instance, a second servlet class.* (Tso-Column 3 Lines 10-20,'*parser invokes transcode service provider*', Column 3 Lines 45-50, '*parser controls the transcode service providers*')

Tso-Mason disclosed a common interface between the parser and the transcode service providers. (Tso-Column 4 Lines 15-25)

While Tso-Mason substantially disclosed the claimed invention Tso-Mason did not disclose (re. Claim 1,11,22) *wherein the second servlet class inherits an interface from an abstract parser class and is specified to handle the identified format of the media file.*

The Examiner notes that in the context of JAVA programming the concepts and implementation of class inheritance is well-known in the networking art. (See DiGiorgio US Publication 20010005201 Paragraph 47-50. See Hutsch US Publication

20010034771 Paragraph 442-449) Where Tso disclosed the parser invoking and controlling the transcode service providers, it would have been obvious to a person of ordinary skill in the networking art to implement the parser class as a parent class and the transcode service as a child class. Furthermore it would have been obvious to implement class inheritance in order for the transcode class to inherit the interface from the parser class. Furthermore where the parser is able to select from a plurality of transcoder classes it would have been obvious to specify the interface to handle the identified format of the media file.

Tso-Mason disclosed (re. Claim 2,12,23) wherein parsing the request comprises determining a processing action to be applied to the elements of the media file, (Tso-Column 2 Lines 45-50,Column 12 Lines 60-65) and wherein streaming the identified elements comprises applying the processing action to the elements.

Tso-Mason disclosed (re. Claim 3,13,24) wherein parsing the request comprises determining a parameter applicable to the processing action (Tso-Column 5 Lines 35-40, Column 6 Lines 35-40), and wherein applying the processing action comprises processing the elements of the media file responsive to the parameter.

Tso-Mason disclosed (re. Claim 4,14,25) wherein determining the parameter

comprises determining a limitation on a media playing capability of the client, (Tso-Column 7 Lines 20-25) and wherein the processing action comprises modifying the identified elements in response to the limitation;

Tso-Mason disclosed (re. Claim 5,15,26) wherein determining the limitation comprises identifying a network bandwidth, (Tso- Column 7 Lines 35-40) and wherein modifying the identified elements in response to the limitation comprises altering the elements responsive to the network bandwidth;

Tso-Mason disclosed (re. Claim 6,16,27) wherein determining the limitation comprises determining a resource level provided by the client, (Tso-Column 7 Lines 20-25) and wherein modifying the identified elements comprises selecting the identified elements responsive to the resource level;

Tso-Mason disclosed (re. Claim 7,17,28) wherein applying the processing action comprises transcoding (Tso-Column 7 Lines 20-25) at least one of the elements of the media file into a desired media format;

Tso-Mason disclosed (re. Claim 32) wherein the servlet comprises a subset of the instructions, and the subset of the instructions comprises instructions written in a platform-independent, object-oriented computer language. (Tso-Column 3 Lines 15-20, Column 4 Lines 20-25, Column 10 Lines 55-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-10, 19-21, 30-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tso et al. (US Patent 6421733) in view of Mason (US Patent

7089330) further in view of Kalra et al. (US Patent 6490627) hereinafter referred to as

Kalra.

Tso-Mason did not disclose (re. Claim 9,19,30) wherein the elements of the

media file comprise an ordered sequence of frames, and wherein selecting the

elements comprises selecting a segment within the sequence.

Kalra disclosed several of the claim limitations as Tso such as determining a

limitation on a media playing capability of the client and transcoding (Kalra- Column 19

Lines 50-55) at least one of the elements of the media file into a desired media format.

In addition, Kalra disclosed (re. Claim 9,19,30) wherein the elements of the media file comprise an ordered sequence of frames,(Kalra- Column 10 Lines 25-30 and wherein selecting the elements comprises selecting a segment within the sequence. (Kalra-Column 5 Lines 15-20)

Tso,Mason and Kalra are analogous art because they present concepts and practices regarding transcoding web content. At the time of the invention it would have been obvious to combine Kalra into Tso-Mason. The motivation for said combination would have been, as Kalra suggests (Kalra- Column 1 Lines 25-30), to provide compact and distortion-free streaming media that is matched to the computational power available.

Tso-Mason-Kalra disclosed (re. Claim 10,20,31) wherein the elements of the media file comprises a plurality of media tracks temporally juxtaposed in parallel (Kalra-Figure 2B), and wherein selecting the elements comprises selecting, one or more of the tracks (Kalra – Column 16 Lines 15-20);

Tso-Mason-Kalra disclosed (re. Claim 21) wherein the server comprises a cluster of servers, arranged so that the HTTP request is handled by one of the servers in the cluster, and the servlet is run on a different one of the servers in the cluster. (Kalra-Figures 13,14)

Response to Arguments

Applicant's arguments filed 12/17/2007 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

Applicant respectfully submits that independent claims 1, 11 and 22, as amended, are patentable over the cited art.

The Examiner respectfully disagrees with the Applicant.

The Examiner notes that Tso Column 7 Lines 30-45 disclosed identifying a format of the media file.

Thus, the combination of Tso-Mason disclosed (re. Claim 1,11,22) a *servlet class* (Mason-Column 8 Lines 45-55) *to parse the request* (Tso-Column 6 Lines 35-45) *in order to identify the portion of the media file requested by the client and to identify a format of the media file;* (Tso Column 7 Lines 30-45)

Tso-Mason disclosed (re. Claim 1,11,22) *instantiating, using the first servlet class instance, a second servlet class.* (Tso-Column 3 Lines 10-20,'*parser invokes transcode service provider*', Column 3 Lines 45-50, '*parser controls the transcode service providers*')

Tso-Mason disclosed a common interface between the parser and the transcode service providers. (Tso-Column 4 Lines 15-25)

While Tso-Mason substantially disclosed the claimed invention Tso-Mason did

not disclose (re. Claim 1,11,22) *wherein the second servlet class inherits an interface*

from an abstract parser class and is specified to handle the identified format of the

media file.

The Examiner notes that in the context of JAVA programming the concepts and

implementation of class inheritance and inheriting of class interfaces are well-known in

the networking art. (See DiGiorgio US Publication 20010005201 Paragraph 47-50. See

Hutsch US Publication 20010034771 Paragraph 442-449) Where Tso disclosed the

parser invoking and controlling the transcode service providers, it would have been

obvious to a person of ordinary skill in the networking art to implement the parser class

as a parent class and the transcode service as a child class. Furthermore it would have

been obvious to implement class inheritance in order for the transcode class to inherit

the interface from the parser class. Furthermore where the parser class is able to select

from a plurality of transcoder classes it would have been obvious to specify the interface

to handle the identified format of the media file.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Please refer to the enclosed PTO-892 form.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any
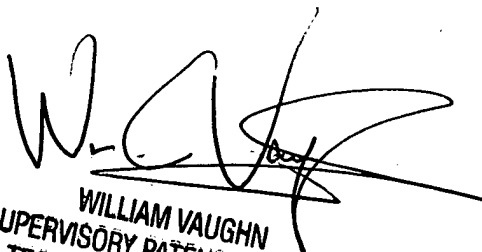
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Greg Bengzon